

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>DATE FILED:</b> _____
	:	
v.	:	<b>CRIMINAL NO. :</b> _____
	:	
<b>JAMES MERRITT</b>	:	<b>VIOLATIONS:</b>
	:	
	:	<b>21 U.S.C. § 841 (Distribution of</b>
	:	<b>cocaine base (“crack cocaine”)</b>
	:	<b>- 3 counts)</b>
	:	<b>21 U.S.C. § 853 (Criminal</b>
	:	<b>forfeiture)</b>
	:	
	:	
	:	

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about January 22, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the defendant

**JAMES MERRITT**

did knowingly and intentionally distribute in excess of 5 grams, that is, approximately 26.1 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack cocaine”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 31, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the defendant

**JAMES MERRITT**

did knowingly and intentionally distribute in excess of 5 grams, that is, approximately 25.1 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack cocaine”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 13, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the defendant

**JAMES MERRITT**

did knowingly and intentionally distribute in excess of 50 grams, that is, approximately 52.4 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack cocaine”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

### **NOTICE OF FORFEITURE**

As a result of the violations of Title 21, United States Code, Section 841(a)(1) set forth in Counts One, Two, and Three of this Indictment, the defendant

**JAMES MERRITT**

shall forfeit to the United States:

(A) Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code, as charged in this Indictment;

(B) Any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code as charged in this Indictment.

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant;

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of said property listed above as being subject to forfeiture.

All in violation of Title 21, United States Code, Section 853.

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**